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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,776	05/12/2002	Yu-Sheng Lin	ATCP0004USA	1065

27765 7590 03/23/2005

NORTH AMERICA INTERNATIONAL PATENT OFFICE (NAIPC)  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER
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TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/063,776

Applicant(s)

LIN ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takamatsu (JP 09027823) in view of Daimon et al (6,510,205 hereinafter Daimon) and Jeon et al (5,822,012 hereinafter Jeon).

Regarding claim 1. Takamatsu teaches a fault information notice system (abstract, figure 1) wherein management switch (13 figure 1) is used to monitor network (1A, 1B and 1C). At an intermediate level, the network can include relay devices such as a circuit section (12A figure 1), as well as other familiar types (12B figure 1). The management switch (13 figure 1) collects failure information (131 figure 1) and

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determines if it is important failure (132 figure 1) whereby it is presented to a manager in vicinity of an in-network display device (2 figure 1). On the other hand, if it is important failure and manager not in vicinity of the in-network display device (2 figure 1) then modem dialer (15 figure 1) used to notify the manager at remote location (41 or 42 figure 1).

Takamatsu does not show generating an associated emergency condition identifier used for emergency call-out program.

Daimon also teaches informing system that informs an optimum person to be called of a failure when a failure occurs in an information processing system such as network (col. 5 lines 24-27). Daimon invention also displays failure information to local display device (14 figure 2) as well as at remote locations (see top right of figure 2 wherein remote PC, telephone, mobile phone and facsimile may be notified, col. 7 lines 41-46) by using device to-be-called list (22 and 33 figure 2). The device to-be-called lists having a record of the types of the device to be called that is used for calling and the priorities of call numbers corresponding to the failure situation and the failure time (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21). Daimon also uses calling means (16 figure 2) for searching the device-to-be-called list using the failure situation and the failure time as keys and for calling by determining the type of the device to be called and the call number (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21, col. 5 lines 8-58, col. 6 lines 12-65, col. 7 lines 5-65, columns 8-11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the management switch (13 figure 1) as taught by Takamatsu to

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incorporate device-to-be-called lists as taught by Daimon enabling for persons-to-be-called based on failure situation including date and time as taught by Daimon.

According to Applicant's, Takamatsu in view of Daimon fail to teach using modem (see Applicant's remarks on pages 6-7, paper dated 9/29/04). The Examiner notes that Takamatsu teaches call originating equipment (15 figure 1) used to dial remote location (41 or 42 figure 1). The Examiner further notes that Daimon teaches notifying remote PC, which obviously requires modem connection. In fact, Daimon teaches modem connection (see at least col. 1 line 32 and col. 7 lines 41-56) used for remote notification. The Examiner further notes that Daimon even uses network address for remote PC (see at least col. 10 line 19).

Jeon also teaches local and remote notification when failure occurs (abstract) wherein modem (see item 50 figure 1) used to connect to public network (see PSTN or ISDN---right side of figure 1). Jeon teaches the user can program the controller using input device (see 110 figure 1, col. 2 lines 63-67). Jeon discloses that by using modem allows for remote notification (col. 3 lines 1-11, col. 3 line 65 – col. 4 line 11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Jeon into the teachings of Takamatsu in view of Daimon in order to allow user to be notified at remote location when failure occurs.

Regarding claim 3. Takamatsu teaches management switch (13 figure 1).

Regarding claim 4. Takamatsu fails to show using emergency condition identifier used to locate an entry and to leave a message at device according to data in the located entry.

Daimon also teaches informing system that informs an optimum person to be called of a failure when a failure occurs in an information processing system such as network (col. 5 lines 24-27). Daimon invention also displays failure information to local display device (14 figure 2) as well as at remote locations (see top right of figure 2 wherein remote PC, telephone, mobile phone and facsimile may be notified, col. 7 lines 41-46) by using device to-be-called list (22 and 33 figure 2). The device to-be-called lists having a record of the types of the device to be called that is used for calling and the priorities of call numbers corresponding to the failure situation and the failure time (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21). Daimon also uses calling means (16 figure 2) for searching the device-to-be-called list using the failure situation and the failure time as keys and for calling by determining the type of the device to be called and the call number (abstract, col. 2 lines 17-34, col. 3 line 5 – col. 4 line 21, col. 5 lines 8-58, col. 6 lines 12-65, col. 7 lines 5-65, columns 8-11).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the management switch (13 figure 1) as taught by Takamatsu to incorporate device-to-be-called lists as taught by Daimon enabling for persons-to-be-called based on failure situation including date and time as taught by Daimon.

Regarding claim 5. Method claim 5 is rejected for the same reason as apparatus claim 1 since the recited apparatus would perform the claimed method steps.

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***Response to Arguments***

2. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 2643